



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0517/P3

RPN&RLR:cjs:if

Stays &wj

wanted 5/29

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

repeal

AN ACT *to repeal* 20.465 (4) (b), 20.465 (4) (g), 20.465 (4) (k), chapter 21 (title),  
21.025 (2) (b), 21.025 (5) (c), 21.025 (7), 21.025 (13), 21.15 (title), 21.155 (title),  
21.19 (title), 21.19 (3) (b), 21.19 (6), 21.19 (7) (a) (intro.), 21.20, 21.21, 21.25,  
21.26 (title), 21.32 (title), 21.33 (title), 21.36 (title), 21.42, 21.49 (1) (ae), 21.50  
(3) and (4), 21.56 (title), 21.57 (title), 21.59, 21.60, 21.61 (title), 21.612, 21.616  
(title), 21.62, 21.63, 21.70 (title), 21.75 (1) (a), 21.75 (1) (c), 21.78 (5), 21.80 (1)  
(f) and 21.80 (8); *to renumber* 21.015 (1), 21.025 (title), 21.025 (2) (title), 21.025  
(5) (title), 21.025 (11m) (title), 21.13 (title), 21.18 (title) and (1) (intro.), 21.18 (1)  
(a) to (c), 21.18 (1) (k), 21.18 (3) and (4), 21.26 (2) (b), 21.28 (title), 21.49 (title)  
and (1) (intro.), 21.49 (1) (am) and (ar), 21.49 (1) (b) (intro.), 21.49 (1) (b) 1., 1g.  
and 1m., 21.49 (1) (b) 3., 21.49 (2) (intro.), (a), (b) and (e), 21.50 (title), 21.51,  
21.74 (8), 21.75 (1) (intro.), 21.75 (4), 21.75 (17), 21.75 (19), 21.80 (title) and (1)  
(intro.), 21.80 (1) (b) to (e), 21.80 (1) (g) and 21.80 (7); *to renumber and amend*  
21.01, 21.015 (title), 21.015 (intro.), 21.015 (2), 21.025 (1), (2) (a), (c) and (d), (3),  
(4), (6), (8), (9), (10) and (11n), 21.025 (5) (a) and (b), 21.03, 21.04, 21.05, 21.06,

21.07, 21.09, 21.11 (title), 21.11 (1), 21.11 (2), 21.11 (3), 21.12, 21.13 (1), 21.13  
(2), 21.15, 21.155, 21.17, 21.18 (1) (d), 21.18 (1) (e), (f), (g), (h), (i) and (j), 21.18  
(1m), 21.18 (2), 21.18 (5), 21.19 (1), 21.19 (1m), 21.19 (2), 21.19 (3) (a), 21.19 (4),  
21.19 (5), 21.19 (7) (a) 1., 21.19 (7) (a) 2., 21.19 (7) (a) 3., 21.19 (7) (b), 21.19 (8),  
21.19 (9), 21.19 (10), 21.19 (11), 21.19 (12), 21.19 (13), 21.19 (14), 21.26 (2) (a),  
21.28 (1), (2) and (3), 21.30 (title), 21.30, 21.32, 21.33, 21.35, 21.36 (1), 21.36 (2),  
21.37, 21.38, 21.43, 21.47, 21.48, 21.49 (1) (b) 2., 21.49 (1) (c), 21.49 (2) (d), 21.49  
(2) (f), 21.49 (2m), 21.49 (3), 21.49 (3m) and (4), 21.50 (1) and (2), 21.52, 21.54,  
21.56 (1) and (2), 21.57 (1) and (2), 21.61 (1), (3), (4) and (5), 21.616, 21.70 (1)  
and (2), 21.72, 21.74 (title), 21.74 (1), 21.74 (2), (3), (4), (5), (6) and (7), 21.74 (9),  
21.75 (title), 21.75 (1) (b), (cm) and (d), 21.75 (2), 21.75 (3), 21.75 (5), 21.75 (6)  
and (7), 21.75 (8), 21.75 (9) and (10), 21.75 (11), 21.75 (12), 21.75 (13), 21.75 (14),  
21.75 (15), 21.75 (16), 21.75 (18), 21.75 (20), 21.75 (21), 21.75 (22), 21.75 (23),  
21.78 (title), (1), (2), (3) and (4), 21.79, 21.80 (1) (a), 21.80 (2), 21.80 (3), 21.80  
(4), 21.80 (5) and 21.80 (6); **to consolidate, renumber and amend** 21.025  
(11m) (a) and (b) and 21.26 (1) and (2) (intro.); **to amend** 15.04 (2), 17.29, 20.455  
(1) (b), 20.465 (1) (e), 20.465 (1) (g), 20.465 (1) (i), 20.465 (2) (a), 20.465 (4) (ka),  
20.865 (1) (a), 20.865 (1) (g), 20.865 (1) (q), 40.05 (4g) (a) 4., 45.03 (13) (e), 45.20  
(2) (d) 3., 45.60 (1) (b), 71.93 (1) (a) 6., 106.54 (7), 121.05 (1) (a) 13., 121.095  
(title), 121.095 (1) (a), 121.095 (1) (b) 1., 121.90 (1) (intro.), 230.04 (17), 230.315  
(1) (c) and 230.32 (7); and **to create** chapter 321 (title), subchapter I (title) of  
chapter 321 [precedes 321.01], 321.01, 321.02 (title), 321.04 (title) and (1)  
(intro.), 321.04 (1) (b), 321.04 (1) (j), 321.04 (1) (m), 321.04 (1) (p), 321.04 (2)  
(intro.), 321.04 (2) (f), subchapter II (title) of chapter 321 [precedes 321.10],  
321.10 (1) (e), subchapter III (title) of chapter 321 [precedes 321.20], 321.21 (1),

321.23 (title), subchapter IV (title) of chapter 321 [precedes 321.30], 321.39 (1) (a) (intro.), 321.39 (1) (a) 3., 321.40 (6) (d), 321.51 (2) (b), 321.51 (2) (e), subchapter V (title) of chapter 321 [precedes 321.60] and subchapter VI (title) of chapter 321 [precedes 321.70] of the statutes; **relating to:** powers and duties of the Department of Military Affairs, the adjutant general, military officers, military property and assets, the national guard, the state defense force, rights of service personnel, the Wisconsin code of military justice, ~~and~~ making an appropriation. *and providing a penalty*

### ***Analysis by the Legislative Reference Bureau***

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's special committee on recodification of ch. 21, military affairs. The special committee was directed to conduct a recodification of ch. 21, relating to military affairs, to include reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, making other necessary organizational changes, and making minor substantive changes.

The bill does the following:

1. Moves the military affairs provisions of the statutes that are currently in ch. 21 to a newly created ch. 321.
2. Reorganizes the entire chapter by subdividing it into the ~~6~~<sup>5</sup> subchapters shown in the table of contents set forth below. The current ch. 21 consists of 54 sections that are not organized into subchapters.
3. Makes nonsubstantive editorial changes to modernize language to make the language consistent with current drafting style.
4. Repeals several provisions considered no longer necessary. For example, one section in current ch. 21 relates to the Badger Challenge program, a program that no longer exists. As another example, a section is being repealed that allows the governor to prescribe rules for issuing of property to bands.
5. Makes minor substantive changes. These include the following:
  - a. Modifying the current provision on legal defense of national guard and state defense force members for actions taken in the line of duty. Currently, legal counsel is appointed for state residents who are members of the state defense force or who are members of the national guard of any state. This bill also includes members of the

Wisconsin national guard or Wisconsin state defense force who are not residents of Wisconsin.

b. Raising the dollar amount of rent of premises from which specified family members of a person may not be evicted while the person is in active state service, unless there is a court order. Under current law, the spouse, children, or others dependents of a service member who is in active state service may not be evicted from premises for which the rent does not exceed \$1,200 per month, unless there is a court order. The bill increases this amount to \$2,400 per month.

c. Increasing the amount of time for which a local governmental unit may grant a leave of absence to an employee for federal active duty from 4 years to 5 years.

d. Adding to the military staff of the governor a joint chief of staff with a specified rank.

*Chapter 321; Department of Military Affairs;*  
~~Under the bill, ch. 24~~ will be reorganized as follows:

### **Subchapter I General Provisions**

- 321.01 Definitions.
- 321.02 Powers and duties of the governor.
- 321.03 Powers and duties of the department.
- 321.04 Powers and duties of the adjutant general.
- 321.05 Permission to forces of other states.

### **Subchapter II Military Officers**

- 321.10 Military staff of the governor.
- 321.11 United States property and fiscal officer.
- 321.12 Chief surgeons.
- 321.13 Discharge of officers.
- 321.14 Authority to administer oaths.
- 321.15 Resignation of officer.

### **Subchapter III Military Property**

- 321.20 Distribution of military property.
- 321.21 Military property accountability.
- 321.22 Camp Williams.
- 321.23 Facilities and lands.
- 321.24 Encroachment on military areas and interference with military personnel.

### **Subchapter IV National Guard and State Defense Force**

- 321.30 Composition of national guard.
- 321.31 Uniform of national guard.
- 321.32 Term of enlistment and discharge.
- 321.33 Commission and rank.
- 321.34 Examinations for promotion or appointments.

- 321.35 Pay.
- 321.36 Rules of discipline.
- 321.37 No discrimination.
- 321.38 Decorations and awards.
- 321.39 Call to state active duty.
- 321.40 Educational benefits.
- 321.41 Training;special schools;pay and allowances.
- 321.42 Defense of members of guard;payment of judgments.
- 321.43 Exemption from civil authority.
- 321.44 Exemptions from certain county duties.
- 321.51 State defense force authorized.

**Subchapter V****Rights of Service Members**

- 321.60 Extension of licenses for service members.
- 321.61 Service members civil relief for property taxes and mobile telephone contracts; federal active duty.
- 321.62 Service members civil relief; state active duty.
- 321.63 Local government employees or officers in federal active duty.
- 321.64 Reemployment after completion of federal active duty.
- 321.65 Reemployment rights after national guard, state defense force, or public health emergency service.

**Subchapter VI****Wisconsin Code of Military Justice**

321.70

The Wisconsin code of military justice.

*Wisconsin Code of Military Justice.*← use note: pref ; score ;  
no indent**SECTION 1.** 15.04 (2) of the statutes is amended to read:

15.04 (2) DEPUTY. Each secretary of a department or head of an independent agency under s. 230.08 (2) (L) may appoint a deputy who shall serve at the pleasure of the secretary or agency head outside the classified service. The deputy shall exercise the powers, duties and functions of the secretary or head in the absence of the secretary or head, and shall perform such other duties as the secretary or head prescribes. The adjutant general may appoint 2 deputies as provided described in s. ~~21.18 (1)~~ 321.10 (1) (b) and (c). In this subsection "secretary" includes the attorney general and the state superintendent of public instruction.

1       **SECTION 2.** 17.29 of the statutes is amended to read:

2       **17.29 Effect of chapter.** The provisions of this chapter supersede all contrary  
3 provisions in either the general law or in special acts, except ss. 6.26 (2) (b), 6.28 (2)  
4 (b), 6.55 (6), 6.875, and 7.30 relating to appointed election officials and ~~ch. 21~~ ch. 321  
5 relating to the military staff of the governor and to officers of the Wisconsin national  
6 guard or state defense force; and shall govern all offices whether created by general  
7 law or special act, unless otherwise specially provided.

8       **SECTION 3.** 20.455 (1) (b) of the statutes is amended to read:

9       20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the procedure  
10 established in s. 14.11 (2) (c), for the compensation of special counsel appointed as  
11 provided in ss. 14.11 (2) and ~~21.13~~ 321.42.

12       **SECTION 4.** 20.465 (1) (e) of the statutes is amended to read:

13       20.465 (1) (e) *State service flags.* The amounts in the schedule for the purchase  
14 of state service flags pursuant to s. ~~21.19 (10)~~ 321.04 (2) (d).

15       **SECTION 5.** 20.465 (1) (g) of the statutes is amended to read:

16       20.465 (1) (g) *Military property.* The amounts in the schedule for rent of  
17 state-owned military lands or buildings used by, acquired for or erected for the  
18 Wisconsin national guard under s. ~~21.19 (2)~~ 321.03 (2) (a), for rental of buildings and  
19 grounds maintenance equipment owned by the state and required to properly  
20 maintain properties supported by state-federal cooperative funding agreements, for  
21 the repair and maintenance of state-owned military lands or buildings, for the  
22 payment of municipal assessments related to state-owned military property and for  
23 the purchase and construction of new military property, real and personal. All  
24 moneys received on account of lost military property, from the sale of obsolete or  
25 unserviceable military property, from the sale of any state-owned military property,

1 real and personal, under s. ~~21.19 (3)~~ 321.03 (2) (b), from the rental of state-owned  
2 housing, or from the provision of housing-related services to military personnel shall  
3 be credited to this appropriation.

4 **SECTION 6.** 20.465 (1) (i) of the statutes is amended to read:

5 20.465 (1) (i) *Distance learning centers.* All moneys received from renting the  
6 distance learning centers, for the operation and maintenance of the centers under  
7 s. ~~21.19 (13)~~ 321.04 (1) (n).

8 **SECTION 7.** 20.465 (2) (a) of the statutes is amended to read:

9 20.465 (2) (a) *Tuition grants.* A sum sufficient for the payment of tuition grants  
10 to members of the Wisconsin national guard under s. ~~21.49 (3)~~ 321.40 (4).

11 **SECTION 8.** 20.465 (4) (b) of the statutes is repealed.

12 **SECTION 9.** 20.465 (4) (g) of the statutes is repealed.

13 **SECTION 10.** 20.465 (4) (k) of the statutes is repealed.

14 **SECTION 11.** 20.465 (4) (ka) of the statutes is amended to read:

15 20.465 (4) (ka) *Youth Challenge Academy program; public instruction funds.*  
16 All moneys received from the department of public instruction under s. 121.095, for  
17 the operation of the Youth Challenge Academy program under s. ~~21.26~~ 321.03 (1) (c).

18 **SECTION 12.** 20.865 (1) (a) of the statutes is amended to read:

19 20.865 (1) (a) *Judgments and legal expenses.* A sum sufficient to pay for legal  
20 expenses under s. 59.32 (3), for costs under ss. 227.485 and 814.245 and for the costs  
21 of judgments, orders and settlements of actions, appeals and complaints under  
22 subch. II of ch. 111 or subch. II or III of ch. 230, and those judgments, awards, orders  
23 and settlements under ss. ~~21.13~~, 165.25 (6), 321.42, 775.04 and 895.46 that are not  
24 otherwise reimbursable as liability costs under par. (fm). Release of moneys under

1 this paragraph pursuant to any settlement agreement, whether or not incorporated  
2 into an order, is subject to approval of the attorney general.

3 **SECTION 13.** 20.865 (1) (g) of the statutes is amended to read:

4 20.865 (1) (g) *Judgments and legal expenses; program revenues.* From the  
5 appropriate program revenue and program revenue-service accounts, a sum  
6 sufficient to pay for legal expenses under s. 59.32 (3), for costs under ss. 227.485 and  
7 814.245 and for the cost of judgments, orders and settlements of actions, appeals and  
8 complaints under subch. II of ch. 111 or subch. II or III of ch. 230, and those  
9 judgments, awards, orders and settlements under ss. ~~21.13~~, 165.25 (6), 321.42,  
10 775.04 and 895.46 that are not otherwise reimbursable as liability costs under par.  
11 (fm). Release of moneys under this paragraph pursuant to any settlement  
12 agreement, whether or not incorporated into an order, is subject to approval of the  
13 attorney general.

14 **SECTION 14.** 20.865 (1) (q) of the statutes is amended to read:

15 20.865 (1) (q) *Judgments and legal expenses; segregated revenues.* From the  
16 appropriate segregated funds, a sum sufficient to pay for legal expenses under s.  
17 59.32 (3), for costs under ss. 227.485 and 814.245 and for the cost of judgments,  
18 orders and settlements of actions, appeals and complaints under subch. II of ch. 111  
19 or subch. II or III of ch. 230, and those judgments, awards, orders and settlements  
20 under ss. ~~21.13~~, 165.25 (6), 321.42, 775.04 and 895.46 that are not otherwise  
21 reimbursable as liability costs under par. (fm). Release of moneys under this  
22 paragraph pursuant to any settlement agreement, whether or not incorporated into  
23 an order, is subject to approval of the attorney general.

24 **SECTION 15.** Chapter 21 (title) of the statutes is repealed.

25 **SECTION 16.** 21.01 of the statutes is renumbered 321.30 and amended to read:



1           **321.30 Composition of national guard.** (1) The organized militia of this  
2 state shall be known as the "Wisconsin national guard" and shall consist of members  
3 appointed commissioned or enlisted therein in accordance with federal law or  
4 regulations governing ~~or pertaining to~~ the national guard.

5           (2) The Wisconsin national guard shall ~~be organized into~~ consist of the army  
6 national guard and the air national guard units, and "national guard" when used in  
7 this chapter, ~~unless the context otherwise requires, means both the Wisconsin army~~  
8 ~~national guard and the Wisconsin air national guard.~~

9           **SECTION 17.** 21.015 (title) of the statutes is renumbered 321.03 (title) and  
10 amended to read:

11           **321.03 (title) Department Powers and duties of the department.**

12           **SECTION 18.** 21.015 (intro.) of the statutes is renumbered 321.03 (1) (intro.) and  
13 amended to read:

14           321.03 (1) (intro.) The department ~~of military affairs~~ shall do all of the  
15 following:

16           **SECTION 19.** 21.015 (1) of the statutes is renumbered 321.03 (1) (a).

17           **SECTION 20.** 21.015 (2) of the statutes is renumbered 321.03 (1) (b) and  
18 amended to read:

19           321.03 (1) (b) Provide facilities and support for the national guard ~~and any~~  
20 ~~other support available from the appropriations under s. 20.465.~~

21           **SECTION 21.** 21.025 (title) of the statutes is renumbered 321.51 (title).

22           **SECTION 22.** 21.025 (1), (2) (a), (c) and (d), (3), (4), (6), (8), (9), (10) and (11n) of  
23 the statutes are renumbered 321.51 (1), (2) (a), (c) and (d), (3), (4), (5), (6), (7), (8) and  
24 (10) and amended to read:

1           321.51 (1) AUTHORITY AND NAME. The adjutant general may establish a plan for  
2     organizing a military force to be known as the ~~Wisconsin state defense force.~~ "state  
3     defense force." The ~~governor, or~~ adjutant general if designated by the governor, may  
4     organize the ~~Wisconsin state defense force under the plan, which may include an~~  
5     aviation unit, if all or part of the national guard is called into ~~the service of the United~~  
6     States. ~~It federal active duty.~~ The state defense force shall be a uniformed force  
7     distinct from the national guard, ~~uniformed, and composed of officers, commissioned~~  
8     or assigned, officers and of enlisted personnel who volunteer for service.  
9     Membership in the Wisconsin state defense force may not include any A person who  
10    is on active duty in the ~~active military~~ U.S. armed forces, including the active reserve  
11    components, may not serve in the state defense force. ~~Persons~~ A person in the retired  
12    or inactive reserve may serve in the ~~Wisconsin~~ state defense force.

13           (2) (a) The ~~governor or~~ adjutant general, if designated by the governor, may  
14    prescribe ~~rules and regulations not inconsistent, instructions, and policies~~  
15    consistent with this section governing the enlistment, organization, administration,  
16    equipment, uniforms, maintenance, training, and discipline of ~~such forces, except~~  
17    ~~that such rules and regulations, insofar as~~ the state defense force. The regulations,  
18    instructions, and policies, to the extent the governor deems practicable and desirable  
19    considers necessary, shall conform to existing law governing and ~~pertaining to the~~  
20    national guard ~~and the rules and regulations promulgated thereunder and.~~ The  
21    regulations, instructions, and policies shall prohibit the acceptance of a member of  
22    the state defense force from accepting any gifts, donations, gratuities, or anything  
23    other things of value by ~~such forces or by any member of such forces from any person~~  
24    ~~by reason of such membership given to the member because he or she is a member~~  
25    of the state defense force other than wages and benefits paid by the state.

1 (c) Officers and enlistees, while on state active duty ~~under orders of the~~  
2 ~~governor, in the state defense force~~ shall receive the base pay and allowances of the  
3 identical grade in the ~~United States~~ U.S. army.

4 (d) The adjutant general may organize a ~~cadre force~~ recruitment and training  
5 unit of not more than 12 ~~personnel persons~~ at each ~~state-owned~~ state armory. ~~Each~~  
6 ~~cadre force shall~~ The unit shall establish recruitment lists of persons interested in  
7 becoming members of the state defense force, ~~which may be used to recruit full units~~  
8 ~~for the state defense force in case the national guard is mobilized for active federal~~  
9 ~~duty, and train the persons recruited.~~

10 (3) REQUISITIONS; ARMORIES; OTHER BUILDINGS. ~~For the use of such forces, the~~ The  
11 governor or adjutant general, if designated by the governor, may requisition military  
12 property from the federal government such arms and equipment as may be available,  
13 and the for the use of the state defense force. The governor or adjutant general, if  
14 designated by the governor, may make available to the state defense force the  
15 facilities of state armories and their equipment and such military property and other  
16 state premises and property as may be available and may, through the. The  
17 department of military affairs, may rent or lease buildings or parts of buildings and  
18 grounds for armory purposes or continue in possession of such those premises leased  
19 by the department of military affairs for the use of the national guard, paying rental  
20 therefor out of funds appropriated rent from the appropriation under s. 20.465 (1) (a).  
21 All leases so made shall made under this subsection terminate upon dissolution of  
22 the Wisconsin state defense force regardless of the term provided therein in the lease,  
23 unless the premises shall be are needed for national guard purposes, in which case  
24 the. The lease for the premises needed for the national guard may be assigned by

1 the department of military affairs to the national guard organization intending that  
2 intends to occupy the premises.

3 (4) ~~USE WITHOUT OUTSIDE THIS STATE. Such forces shall~~ The state defense force  
4 may not be required to serve outside the boundaries of this state except unless one  
5 of the following applies:

6 (a) Upon the request of the governor of another state, the governor of this state  
7 ~~may order any portion or~~ orders all or part of such forces the state defense force to  
8 ~~assist the a military unit or police forces of such~~ law enforcement agency of the other  
9 ~~state who are actually engaged in defending such other state. Such forces may be~~  
10 ~~recalled by the. The governor at the governor's discretion may recall the state~~  
11 defense force from the other state at any time.

12 (b) ~~Any organization, unit, or detachment of such forces, upon~~ Upon order of  
13 the officer in immediate command thereof, ~~may continue, the state defense force~~  
14 continues in fresh pursuit of insurrectionists, saboteurs, ~~enemies~~ terrorists, or  
15 enemy forces ~~beyond the borders of this state into another state until they are~~  
16 ~~apprehended or captured by such organization, unit, or detachment or until the a~~  
17 ~~military unit or police forces~~ law enforcement agency of the other state or the forces  
18 of the United States have had a reasonable opportunity to take up the pursuit or to  
19 ~~apprehend or capture such those persons, provided such. Any pursuit under this~~  
20 subsection may only take place if the other state shall have given gives authority by  
21 law for such the pursuit by such forces of this state. Any such person who shall be  
22 ~~apprehended or is~~ captured in such the other state by ~~an organization, unit, or~~  
23 ~~detachment of the forces of this the state defense force~~ shall without unnecessary  
24 delay be surrendered to the a military unit or police forces law enforcement agency  
25 of the state in which the person is ~~taken~~ captured or to the United States, ~~but such,~~

1     The surrender of the person captured shall not constitute a waiver by this state of  
2     its the right to extradite or prosecute such the person for any crime committed in this  
3     state.

4             (5) ~~FEDERAL SERVICE~~ ACTIVE DUTY. ~~Nothing in this section shall be construed as~~  
5     ~~authorizing such forces, or any part thereof to be called, ordered, or in any manner~~  
6     No unit of the state defense force may be drafted, as such, into the U.S. military  
7     ~~service of the United States, but no.~~ No person shall by reason of enlistment or  
8     ~~commission in any such forces~~ membership in the state defense force be exempted  
9     from military service under any law of the United States federal active duty.

10            (6) DISQUALIFICATIONS. ~~No person shall be commissioned or enlisted in such~~  
11     ~~forces who is not a citizen of the United States or who has been expelled or~~  
12     dishonorably discharged from any military or naval organization, of this state, or of  
13     another state, or of the United States may be a member of the state defense force.

\*\*\*\*NOTE: The drafting committee wanted to highlight this change for the special  
committee. Under current law, only U.S. citizens may serve in the state defense force.  
This bill eliminates that restriction.

14            (7) ~~OATH OF OFFICERS~~. The oath to be taken by officers ~~commissioned or enlistees~~  
15     in such forces the state defense force shall be substantially in the form prescribed for  
16     officers of the national guard. The oath shall be filed in the same manner as in the  
17     national guard.

18            (8) ENLISTEES. No person ~~shall~~ may be enlisted in the state defense force for  
19     more than one year, but such enlistment may be renewed. ~~The oath to be taken upon~~  
20     ~~enlistment in such forces shall be substantially in the form prescribed for enlistees~~  
21     ~~of the national guard~~.

22            (10) LABOR DISPUTES. The state defense force shall may not be used to interfere  
23     with the orderly process of a labor dispute.

1       **SECTION 23.** 21.025 (2) (title) of the statutes is renumbered 321.51 (2) (title).

2       **SECTION 24.** 21.025 (2) (b) of the statutes is repealed.

3       **SECTION 25.** 21.025 (5) (title) of the statutes is renumbered 321.05 (title).

4       **SECTION 26.** 21.025 (5) (a) and (b) of the statutes are renumbered 321.05 (1) and  
5 (2) and amended to read:

6       321.05 (1) Any military ~~forces or organization, unit, or detachment thereof, of~~  
7 another state ~~who are~~ that is in fresh pursuit of insurrectionists, ~~saboteurs, enemies~~  
8 ~~terrorists,~~ or enemy forces may continue such the pursuit into this state until the a  
9 military unit or police forces law enforcement agency of this state or the forces of the  
10 United States ~~have~~ U.S. military has had a reasonable opportunity to take up the  
11 pursuit or to ~~apprehend or capture such persons, and such~~ the persons. The military  
12 forces of such unit of the other state may arrest or capture such those persons ~~within~~  
13 in this state while in fresh pursuit.

14       (2) Any such person who ~~shall be~~ is captured or arrested by the military forces  
15 of such other unit of another state while in this state shall without unnecessary delay  
16 be surrendered to the a military unit or police forces law enforcement agency of this  
17 state ~~to be dealt with according to law~~.

18       **SECTION 27.** 21.025 (5) (c) of the statutes is repealed.

19       **SECTION 28.** 21.025 (7) of the statutes is repealed.

20       **SECTION 29.** 21.025 (11m) (title) of the statutes is renumbered 321.51 (9) (title).

21       **SECTION 30.** 21.025 (11m) (a) and (b) of the statutes are consolidated,  
22 renumbered 321.51 (9) and amended to read:

23       321.51 (9) Officers and enlistees of the "~~Wisconsin State Defense Force~~" state  
24 defense force who have served honorably therein for a period of at least one year and  
25 are active members of their ~~respective units at the time of its demobilization~~ shall

1 may, upon application to the unit commander, be permitted to retain the items of  
2 their uniform prescribed by the governor by rule. ~~(b) The. If retained, the uniform~~  
3 ~~prescribed under par. (a)~~ may be worn only on occasions of ceremony. “Occasions of  
4 ceremony” means occasions essentially of a military character at which the uniform  
5 is more appropriate than civilian clothing, such as memorial services, military  
6 weddings, military funerals, military balls, military parades, military reunions, and  
7 meetings or functions of associations formed for military purposes, the membership  
8 of which is composed largely or entirely of honorably discharged veterans of the  
9 services members of the U.S. military, national guard, and state defense force.

10 **SECTION 31.** 21.025 (13) of the statutes is repealed.

11 **SECTION 32.** 21.03 of the statutes is renumbered 321.20 and amended to read:

12 **321.20 Distribution of arms military property.** The governor may receive  
13 and distribute, according to law, ~~the quota of arms and military equipment which~~  
14 property that the state may receive receives from the U.S. government of the United  
15 States under the provisions of any acts of congress federal laws providing for arming  
16 and equipping of the national guard and the state defense force.

17 **SECTION 33.** 21.04 of the statutes is renumbered 321.22 and amended to read:

18 **321.22 Camp Williams.** (1) The state ~~camp grounds~~ facility near Camp  
19 Douglas, Juneau County, shall be known as “Camp Williams”. The officer in charge  
20 of Camp Williams ~~shall have at said camp the police powers possessed by officials at~~  
21 ~~state hospitals, as provided in s. 46.058 (2)~~ may arrest a person for a violation that  
22 occurs at Camp Williams of a state law, local ordinance, or provision of the Wisconsin  
23 code of military justice.

1           (2) The adjutant general may grant to the federal government the right to use  
2 any area of Camp Williams upon such conditions as that the adjutant general deems  
3 advisable.

4           (3) In memory of 1st lieutenant Jerome A. Volk, the first Wisconsin air national  
5 guard pilot killed in combat during the Korean conflict, so much of Camp Williams  
6 as is under lease to the federal government for use of the air national guard shall be  
7 known as "Volk Field" during the time the property remains under lease to the U.S.  
8 government of the ~~United States~~.

9           **SECTION 34.** 21.05 of the statutes is renumbered 321.32 and amended to read:

10           **321.32 Term of enlistment; requirements and discharge.** Every person  
11 who enlists or receives a commission in the national guard shall serve for the term  
12 prescribed and satisfy the physical, educational and training requirements  
13 prescribed by the U.S. national guard bureau. Enlistees in the national guard shall  
14 be discharged as provided in the laws and regulations of the U.S. national guard bureau

15           **SECTION 35.** 21.06 of the statutes is renumbered 321.44 and amended to read:

16           **321.44 Exemptions from certain county duties.** Every member of the  
17 national guard or state military forces shall be defense force is exempt from service  
18 on any body of county residents summoned by the sheriff to assist in preserving the  
19 peace.

20           **SECTION 36.** 21.07 of the statutes is renumbered 321.38 and amended to read:

21           **321.38 Decorations and awards.** The adjutant general may prescribe  
22 decorations and awards for the national guard and the state defense force, ~~the~~. The  
23 adjutant general shall adopt policies establishing the form and issue thereof made  
24 under rules adopted by the adjutant general and approved by the governor issuance  
25 of those decorations and awards.



1           **SECTION 37.** 21.09 of the statutes is renumbered 321.41 and amended to read:

2           **321.41 Training; special schools; pay and allowances.** The governor or  
3           adjutant general may order the national guard or state defense force to assemble for  
4           training at any military establishment ~~within or without the state specified and~~  
5           ~~approved by the department of defense and fix the dates and places thereof, and the~~  
6           of that training. The governor or adjutant general may order members of the  
7           national guard or state defense force, at their option, to attend such special schools  
8           for military training as ~~may be~~ that are authorized by the state or federal  
9           government. ~~For such training and attendance at special schools, members~~ The  
10          governor or adjutant general shall determine the amount that the members of the  
11          national guard or state defense force shall receive ~~such~~ as pay and allowances as the  
12          federal government ~~or the governor may authorize~~ for the training.

13          **SECTION 38.** 21.11 (title) of the statutes is renumbered 321.39 (title) and  
14          amended to read:

15          **321.39 (title) Call to state active service duty.**

16          **SECTION 39.** 21.11 (1) of the statutes is renumbered 321.39 (1) (a) 1. and  
17          amended to read:

18          321.39 (1) (a) 1. In case of war, insurrection, rebellion, riot, invasion, terrorism,  
19          or resistance to the execution of the laws of this state or of the United States; in,

20          2. In the event of public disaster resulting from flood, ~~conflagration or~~ fire,  
21          tornado; ~~in,~~ or other natural disaster.

22          4. In order to assess damage or potential damage and to recommend responsive  
23          action as a result of ~~natural or man-made events; or upon~~ an event listed in subds.  
24          1. to 3.

## SECTION 39

1        5. Upon application of any marshal of the United States, the president of any  
2        village, the mayor of any city, the chairperson of any town board, or any sheriff in this  
3        state, the governor may order into active service all or any portion of the national  
4        guard.

5        (b) If the governor is absent, or cannot be immediately communicated with, any  
6        such civil officer of the persons listed in par. (a) 5. may, if the officer deems the  
7        occasion so is urgent, make such application, which shall be in writing, to request  
8        assistance from the commanding officers of any company, battalion or regiment, who  
9        may upon commander of any national guard unit. The commander shall obtain  
10       approval of the adjutant general, if the danger is great and imminent, order out that  
11       officer's command to the aid of such civil officer. Such before ordering the unit to  
12       provide assistance. If it is not feasible to obtain approval of the adjutant general, and  
13       the danger is great and imminent, the commander may order the unit to provide  
14       assistance without adjutant general approval. The order shall be delivered to the  
15       commanding officer, who shall immediately communicate the order to each, and  
16       every subordinate officer, and every company commander receiving the same who  
17       shall immediately communicate the substance thereof to each member of the order  
18       to the members of the company, or if any such unit. If a member cannot be found,  
19       a notice in writing containing the substance of such the order, in writing, shall be left  
20       at the last and usual member's place of residence of such member with some person  
21       of suitable age and discretion, to whom its the order's contents shall be explained.

22        **SECTION 40.** 21.11 (2) of the statutes is renumbered 321.39 (2) (a) and amended  
23        to read:

1           321.39 (2) (a) Any commissioned officer or enlisted member of the national  
2       guard who fails to carry out orders or fails to appear at the time or place ordered as  
3       provided in sub. (1) shall be punished under the Wisconsin code of military justice.

4           (b) Any person who ~~advises or endeavors to persuade an officer or soldier to~~  
5       ~~refuse or neglect to appear at such place or obey such order~~ assists an officer or  
6       member of the national guard in violating par. (a) shall ~~forfeit~~ be subject to a  
7       forfeiture of not less than \$200 nor more than \$1,000.

8           **SECTION 41.** 21.11 (3) of the statutes is renumbered 321.04 (2) (e) and amended  
9       to read:

10          321.04 (2) (e) ~~The adjutant general may activate~~ Activate members of the  
11       national guard ~~for the purpose of serving to serve~~ on an honors detail of military  
12       funeral honors for a person described under s. 45.60 (1).

13          **SECTION 42.** 21.12 of the statutes is renumbered 321.43 and amended to read:

14          **321.43 Exemption from civil authority.** During the time the national guard  
15       ~~or state military forces are~~ defense force is performing military duty pursuant to  
16       proper under orders issued by the governor or ~~by the governor's authority~~ adjutant  
17       general, all ~~of its~~ <sup>strike the "of"</sup> members thereof, while going to, remaining at, or returning from  
18       a place of duty shall ~~be~~ are exempt from arrest or service of any process issued by a  
19       civilian court. In any civil or criminal prosecution against any member arising out  
20       of the member's performing military duty, it shall be a defense that the member was  
21       acting in good faith or ~~pursuant to any~~ under a lawful military order. ~~Any such~~ The  
22       order shall be deemed ~~prima facie~~ considered lawful unless shown to be unlawful.

23          **SECTION 43.** 21.13 (title) of the statutes is renumbered 321.42 (title).

24          **SECTION 44.** 21.13 (1) of the statutes is renumbered 321.42 (1) (a) and amended  
25       to read:

1           321.42 (1) (a) ~~If any state resident who is a member of a~~ the national guard  
2 ~~of any state or of the state defense force or any resident of this state who is a member~~  
3 ~~of the national guard of another state~~ is prosecuted by any civil or criminal action for  
4 any act performed by the member while in the performance of military duty and in  
5 pursuance of military duty within the scope of his or her employment as a member,  
6 ~~the action against governor, upon request of the adjutant general, shall appoint~~  
7 ~~counsel to defend~~ the member shall be defended by counsel, ~~which may include the~~  
8 ~~attorney general, appointed for that purpose by the governor upon the~~  
9 ~~recommendation of the adjutant general.~~ The adjutant general shall make the  
10 ~~recommendation~~ request to appoint defense counsel if the act performed by the  
11 member was in the line of duty. The governor may appoint the attorney general to  
12 defend the member.

\*\*\*\*NOTE: The drafting committee wanted to highlight for the special committee the change regarding legal defense of National Guard and State Defense Force members for actions taken in the line of duty. The current provision applies to state residents who are members of the National Guard of any state or of the Wisconsin State Defense Force. This draft also includes persons who are members of the Wisconsin National Guard or the Wisconsin State Defense Force who are not residents of Wisconsin."

13           **(b)** The costs and expenses of any such the defense under par. (a) shall be  
14 audited by the department of administration and ~~paid out of the state treasury and~~  
15 charged to the appropriation under s. 20.455 (1) (b) ~~and if.~~ If the jury or court finds  
16 ~~that the member of the national guard~~ against whom the action is brought acted  
17 within the scope of his or her employment as a member, the judgment as to damages  
18 entered against the member shall also be paid by the state.

19           **SECTION 45.** 21.13 (2) of the statutes is renumbered 321.42 (2) and amended  
20 to read:

1           321.42 (2) Any civil action or proceeding brought against a member of a  
2   national guard or the state defense force under sub. (1) (a) is subject to ss. 893.82 and  
3   895.46.

4           **SECTION 46.** 21.15 (title) of the statutes is repealed.

5           **SECTION 47.** 21.15 of the statutes is renumbered 321.21 (5) (a) and amended  
6   to read:

7           321.21 (5) (a) No person may retain at any time any ~~arms, equipment or~~  
8   ~~military stores of any kind belonging to the state or any federally owned property~~  
9   ~~issued to the state~~ property or money, unless the property or money has been lawfully  
10   issued to the person pursuant to law and the proper authority permits the person to  
11   retain the property or money in the discharge of a public duty. No person may use  
12   any public ~~arms, equipment, clothing or military stores belonging to the state, either~~  
13   ~~as owner or bailee, property or money~~ for the person's unauthorized private use. Any  
14   person violating this section paragraph shall forfeit not less than \$50 nor more than  
15   \$200.

      \*\*\*\*NOTE: The drafting subcommittee wanted to highlight for the special  
      committee's attention the level of penalties both in this provision and in current s. 21.155.  
      Those penalty levels were established in 1980. Chapter 221, laws of 1979 (the 1980  
      Budget Review Act), changed the penalties for violating s. 21.15 from a fine of not more  
      than \$200 to the current language. In addition, chapter 221 also changed the penalty for  
      violating s. 21.115 from imprisonment for not more than 6 months or a fine of not more  
      than \$100 to the current language.

16          **SECTION 48.** 21.155 (title) of the statutes is repealed.

17          **SECTION 49.** 21.155 of the statutes is renumbered 321.21 (5) (b) and amended  
18   to read:

19          321.21 (5) (b) No A person who possesses under the laws of this state any arms,  
20   ~~equipment or other military property may willfully neglect or refuse~~ or money, after  
21   the adjutant general makes lawful demand ~~is made~~ for the return of the property by

1 ~~order of the governor, to or money shall~~ return the property or money promptly. No  
2 person may knowingly resist any officer who is lawfully taking possession of such  
3 ~~arms, equipment or other~~ the military property or money. Any person violating this  
4 ~~section paragraph~~ shall forfeit not less than \$50 nor more than \$200.

5 **SECTION 50.** 21.17 of the statutes is renumbered 321.24, and 321.24 (1) and (2),  
6 as renumbered, are amended to read:

7 321.24 (1) The officer in charge of any area used or to be used for military  
8 purposes may ~~cause the area to be marked in such a manner so as~~ mark the area to  
9 warn against encroachment by unauthorized persons, but may not ~~to~~ unnecessarily  
10 obstruct travel on any public highway. No person may encroach upon or enter ~~upon~~  
11 the area without the consent of the officer.

12 (2) No person may ~~intercept, molest, abuse or otherwise~~ interfere with any  
13 member of the national guard or ~~any other military force organized under the laws~~  
14 ~~of this state~~ defense force while the member is in the performance of military duty.

15 **SECTION 51.** 21.18 (title) and (1) (intro.) of the statutes are renumbered 321.10  
16 (title) and (1) (intro.).

17 **SECTION 52.** 21.18 (1) (a) to (c) of the statutes are renumbered 321.10 (1) (a) to  
18 (c).

19 **SECTION 53.** 21.18 (1) (d) of the statutes is renumbered 321.10 (1) (d) and  
20 amended to read:

21 321.10 (1) (d) Two assistant adjutants general for army, ~~who may hold the~~  
22 whose rank of may not exceed brigadier general.

23 **SECTION 54.** 21.18 (1) (e), (f), (g), (h), (i) and (j) of the statutes are renumbered  
24 321.10 (1) (f), (g), (h), (i), (j) and (k) and amended to read:

1           321.10 (1) (f) An assistant adjutant general for air, ~~who may hold the~~ whose  
2      rank of may not exceed brigadier general.

3           (g) A chief surgeon for army, ~~who~~ whose rank may be a not exceed major general  
4      officer.

5           (h) A chief surgeon for air, ~~who~~ whose rank may be a not exceed major general  
6      officer.

7           (i) A staff judge advocate for army, ~~who~~ whose rank may be a not exceed major  
8      general officer.

9           (j) A staff judge advocate for air, ~~who~~ whose rank may be a not exceed major  
10     general officer.

11          (k) A state chaplain, either army or air, ~~who~~ whose rank may be a not exceed  
12     major general officer.

13           **SECTION 55.** 21.18 (1) (k) of the statutes is renumbered 321.10 (1) (L).

14           **SECTION 56.** 21.18 (1m) of the statutes is renumbered 321.10 (3) and amended  
15     to read:

16           321.10 (3) In the event ~~any of the~~ a deputy adjutants adjutant general, for army  
17     or for air, ~~are~~ is appointed to a military position as a major general, the adjutant  
18     general shall appoint, for any periods of absence of that deputy adjutant general due  
19     to other military duties, an acting deputy adjutant general. The adjutant general  
20     may appoint one of the assistant adjutants general as an acting deputy adjutant  
21     general.

22           **SECTION 57.** 21.18 (2) of the statutes is renumbered 321.10 (4) and amended  
23     to read:

24           321.10 (4) No person shall may be appointed ~~on~~ to the governor's military staff  
25     who has not had previous state or U.S. military experience.

Insert 24-1 →

1           **SECTION 58.** 21.18 ~~(3) and~~ (4) of the statutes <sup>is</sup> ~~are~~ renumbered 321.10 ~~(5) and~~ (6).

2           **SECTION 59.** 21.18 (5) of the statutes is renumbered 321.10 (7) and amended  
3 to read:

4           321.10 (7) The adjutant general shall appoint persons to fill vacancies in  
5 positions ~~in~~ on the military staff of the governor under sub. (1). Vacancies on the  
6 military staff of the governor shall be filled by appointment from officers actively  
7 serving in the national guard, except as provided in s. 15.31. Interim vacancies shall  
8 be filled by appointment by the adjutant general for the residue remainder of the  
9 unexpired term.

10          **SECTION 60.** 21.19 (title) of the statutes is repealed.

11          **SECTION 61.** 21.19 (1) of the statutes is renumbered 321.04 (1) (a) and amended  
12 to read:

13          321.04 (1) (a) ~~The adjutant general shall be~~ Be the military chief of staff to the  
14 governor. ~~The adjutant general shall have the custody of all property, military~~  
15 ~~records, correspondence and other documents relating to the national guard and any~~  
16 ~~other military forces organized under the laws of this state. The adjutant general~~  
17 ~~may appoint an assistant quartermaster general to issue and account for state~~  
18 ~~property. The adjutant general shall be the medium of military correspondence with~~  
19 ~~the governor and perform all other duties pertaining to the office or prescribed by~~  
20 ~~law, including the preparation and submission to the governor of reports under s.~~  
21 ~~15.04 (1) (d).~~

22          **SECTION 62.** 21.19 (1m) of the statutes is renumbered 321.04 (1) (i) and  
23 amended to read:



1           321.04 (1) (i) ~~The adjutant general shall administer~~ Administer, with the  
2 approval of the governor, state-federal cooperative funding agreements related to  
3 the department.

4           **SECTION 63.** 21.19 (2) of the statutes is renumbered 321.03 (2) (intro.) and  
5 amended to read:

6           321.03 (2) (intro.) The department of ~~military affairs on behalf of the state~~ may  
7 ~~rent~~ do any of the following:

8           (a) Enter into an agreement to rent to appropriate organizations or individuals  
9 state-owned lands, buildings, and facilities used by, acquired for, or erected for the  
10 national guard when not required for use by the national guard. ~~Such A rental shall~~  
11 agreement under this paragraph is not be effective unless in writing and approved  
12 in writing by the governor ~~and the~~ adjutant general or a his or her designee in  
13 writing.

14           **SECTION 64.** 21.19 (3) (a) of the statutes is renumbered 321.03 (2) (b) and  
15 amended to read:

16           321.03 (2) (b) ~~The department of military affairs on behalf of the state, upon~~  
17 Upon appraisal by the state chief engineer submitted to the governor in writing, ~~may~~  
18 ~~sell and convey upon such terms as the department of military affairs may~~  
19 ~~determine, and with the written approval of the governor in writing~~ sell and convey,  
20 any state-owned property acquired or erected for state military purposes, ~~which if~~  
21 the property is no longer useful to the national guard.

22           **SECTION 65.** 21.19 (3) (b) of the statutes is repealed.

23           **SECTION 66.** 21.19 (4) of the statutes is renumbered 321.04 (1) (g) and amended  
24 to read:

1        321.04 (1) (g) ~~The adjutant general shall be the auditor of~~ Audit all military  
2        accounts, and all accounts or claims payable from the treasury of the state for  
3        military purposes shall be regularly audited by the adjutant general before payment.  
4        ~~The adjutant general shall cause to be prepared and issued all necessary books and~~  
5        ~~forms required by the adjutant general's office for the national guard. All of the books~~  
6        ~~and forms shall be made to conform as nearly as practicable to those in use in the~~  
7        ~~United States army.~~

8        **SECTION 67.** 21.19 (5) of the statutes is renumbered 321.10 (2) and amended  
9        to read:

10       321.10 (2) In the absence or incapacity of the adjutant general, the senior  
11       ranking deputy adjutant general for army or air shall have all the powers and duties  
12       of the adjutant general.

13       **SECTION 68.** 21.19 (6) of the statutes is repealed.

14       **SECTION 69.** 21.19 (7) (a) (intro.) of the statutes is repealed.

15       **SECTION 70.** 21.19 (7) (a) 1. of the statutes is renumbered 321.04 (1) (f) and  
16       amended to read:

17       321.04 (1) (f) ~~Have charge of~~ control over all the military property of the state  
18       and shall military records and carefully preserve, repair, and account for the military  
19       property and records.

20       **SECTION 71.** 21.19 (7) (a) 2. of the statutes is renumbered 321.04 (1) (h) and  
21       amended to read:

22       321.04 (1) (h) ~~Keep in such manner as the governor directs, and subject to the~~  
23       ~~governor's inspection,~~ an account of all moneys received and expended by the  
24       department.

1           **SECTION 72.** 21.19 (7) (a) 3. of the statutes is renumbered 321.04 (1) (q) and  
2           amended to read:

3           321.04 (1) (q) Perform the customary duties of the his or her office, ~~and of the~~  
4           ~~office of chief of all logistical services, and have the custody of all records, returns and~~  
5           ~~papers pertaining to those offices.~~

6           **SECTION 73.** 21.19 (7) (b) of the statutes is renumbered 321.04 (1) (k) and  
7           amended to read:

8           321.04 (1) (k) The Transport or contract for the transportation of all troops,  
9           ~~arms, accoutrements, stores~~ national guard members and other military property  
10          ~~and the preparation for encampments shall be contracted for by the adjutant general~~  
11          ~~under direction of the governor.~~

12          **SECTION 74.** 21.19 (8) of the statutes is renumbered 321.04 (1) (L) and amended  
13          to read:

14          321.04 (1) (L) ~~The adjutant general or a designee shall issue~~ Provide or contract  
15          for the provision of all necessary supplies to military property, lodging, and meals for  
16          members and units of the national guard ~~and may contract for the purchase and~~  
17          ~~transportation of such supplies, subject to s. 16.71 (1).~~

18          **SECTION 75.** 21.19 (9) of the statutes is renumbered 321.04 (2) (c) and amended  
19          to read:

20          321.04 (2) (c) When any military property ~~belonging to the state as owner or~~  
21          ~~bailee is wrongfully held by another person, the adjutant general may bring an action~~  
22          in the name of the state to recover possession of the ~~same~~ property or the money value  
23          ~~thereof of the property.~~

24          **SECTION 76.** 21.19 (10) of the statutes is renumbered 321.04 (2) (d) and  
25          amended to read:

1       321.04 (2) (d) ~~The adjutant general may, upon~~ Upon receipt of a meritorious  
2       requests request for a state service flags for public use flag and within the limits of  
3       the appropriation made under s. 20.465 (1) (e), furnish such flags a flag without  
4       charge to the persons or organizations requesting them person who requested it.

5       **SECTION 77.** 21.19 (11) of the statutes is renumbered 321.04 (1) (d) and  
6       amended to read:

7       321.04 (1) (d) ~~The adjutant general shall provide such~~ Provide necessary  
8       medical supplies and services as are necessary to the national guard during periods  
9       of state active duty not otherwise provided under this chapter and ch. 102, to be  
10      charged to the appropriation under s. 20.465 (1) (c).

11      **SECTION 78.** 21.19 (12) of the statutes is renumbered 321.04 (1) (e) and  
12      amended to read:

13      321.04 (1) (e) ~~The adjutant general shall provide from the appropriation under~~  
14      s. 20.465 (1) (e) Provide a United States flag or state flag to the next of kin of each  
15      deceased member of the national guard who dies as a result of during state service  
16      under s. 21.11 active duty, to be charged to the appropriation under s. 20.465 (1) (c).

17      **SECTION 79.** 21.19 (13) of the statutes is renumbered 321.04 (1) (n) and  
18      amended to read:

19      321.04 (1) (n) ~~The adjutant general shall cooperate~~ Cooperate with the federal  
20      government in the operation and maintenance of distance learning centers for the  
21      use of current and former members of the national guard and the U.S. armed forces.  
22      The adjutant general may charge rent for the use of a center by a nonmilitary or  
23      nonfederal person. All moneys received under this subsection paragraph shall be  
24      credited to the appropriation account under s. 20.465 (1) (i).

1           **SECTION 80.** 21.19 (14) of the statutes is renumbered 321.04 (1) (o) and  
2 amended to read:

3           321.04 (1) (o) ~~The adjutant general shall provide~~ Provide the department of  
4 veterans affairs information on all necessary military points of contact and general  
5 deployment information for activated and deployed members of the national guard.

6           **SECTION 81.** 21.20 of the statutes is repealed.

7           **SECTION 82.** 21.21 of the statutes is repealed.

8           **SECTION 83.** 21.25 of the statutes is repealed.

9           **SECTION 84.** 21.26 (title) of the statutes is repealed.

10          **SECTION 85.** 21.26 (1) and (2) (intro.) of the statutes are consolidated,  
11 renumbered 321.03 (1) (c) (intro.) and amended to read:

12          321.03 (1) (c) (intro.) ~~The department of military affairs shall administer~~  
13 Administer the Youth Challenge Academy program for disadvantaged youth under  
14 32 USC 509. (2) The department shall determine eligibility criteria for the  
15 Challenge Academy consistent with federal law. Annually, the department of  
16 ~~military affairs~~ shall do all of the following:

17          **SECTION 86.** 21.26 (2) (a) of the statutes is renumbered 321.03 (1) (c) 1. and  
18 amended to read:

19          321.03 (1) (c) 1. Calculate 40% the state share of the average cost per pupil  
20 attending the Youth Challenge Academy program and report this information to the  
21 department of public instruction.

22          **SECTION 87.** 21.26 (2) (b) of the statutes is renumbered 321.03 (1) (c) 2.

23          **SECTION 88.** 21.28 (title) of the statutes is renumbered 321.11 (title).

24          **SECTION 89.** 21.28 (1), (2) and (3) of the statutes are renumbered 321.11 (1), (2)  
25 and (3) and amended to read:

1           321.11 (1) The adjutant general shall recommend a candidate for appointment  
2 as the ~~United States~~ U.S. property and fiscal officer for the national guard, subject  
3 to the concurrence of the governor, from federally commissioned officers actively  
4 serving in the national guard. The candidate shall be nominated by the governor,  
5 subject to the concurrence of the U.S. secretary of the army, if the nominee is serving  
6 in the army national guard, or the U.S. secretary of the air force, if the nominee is  
7 serving in the air national guard.

8           (2) The officer nominated under sub. (1) shall assume the duties of a ~~United~~  
9 ~~States~~ U.S. property and fiscal officer under 32 USC 708, when properly ordered to  
10 active duty by the appropriate U.S. secretary, on the date specified in the order. The  
11 officer shall hold his or her position unless terminated earlier by resignation,  
12 disability or for cause and unless federal recognition of the officer's commission  
13 under ~~32 USC 323~~ 10 USC 14902, 14903, or 14905 is refused or withdrawn.

14           (3) Any action by the governor to remove the officer appointed under sub. (1)  
15 (2) for cause shall be governed by the federal laws and military regulations governing  
16 removal of an officer for cause and shall be subject to review by the chief of the  
17 national guard bureau and by the U.S. secretary of the army, if the officer is  
18 commissioned by the army national guard, or by the U.S. secretary of the air force,  
19 if the officer is commissioned by the air national guard.

20           **SECTION 90.** 21.30 (title) of the statutes is renumbered 321.12 (title) and  
21 amended to read:

22           **321.12 (title) Chief surgeons; powers and duties.**

23           **SECTION 91.** 21.30 of the statutes is renumbered 321.12 (1) and amended to  
24 read:

1           321.12 (1) The chief surgeons for the army and air national guard shall, under  
2           direction of the adjutant general, have general supervision of the medical units of the  
3           national guard and, if organized, the state defense force ~~when organized~~. The chief  
4           surgeons shall make recommendations concerning the procurement of medical  
5           supplies and services for state active duty operations, ~~for~~ the procurement and  
6           training of medical personnel, and ~~for~~ the publication of national guard directives on  
7           medical subjects. ~~The chief surgeons shall submit an annual report of the affairs and~~  
8           ~~expenses of their departments to the adjutant general.~~

9           **SECTION 92.** 21.32 (title) of the statutes is repealed.

10          **SECTION 93.** 21.32 of the statutes is renumbered 321.12 (2) and amended to  
11          read:

12          321.12 (2) The chief surgeons for the army and the air national guard shall  
13          provide for such any physical examinations and inoculations of officers, enlistees,  
14          and applicants for enlistment in the national guard, ~~as may be~~ that are prescribed  
15          by U.S. department of defense and national guard regulations.

16          **SECTION 94.** 21.33 (title) of the statutes is repealed.

17          **SECTION 95.** 21.33 of the statutes is renumbered 321.04 (1) (c) and amended to  
18          read:

19          321.04 (1) (c) ~~The quartermaster general acting as paymaster under~~ Under  
20          orders from the governor, ~~may~~ draw from the state treasury the money necessary for  
21          paying ~~troops in camp or~~ national guard members on state active service, and shall  
22          furnish such security for the same ~~as the secretary of administration may direct~~. The  
23          amount due on account of the field, staff, or other officers, noncommissioned staff and  
24          band, company, or enlistees, not herein enumerated, if any, shall be paid to the person  
25          to whom the same shall be due, ~~on the properly signed and certified payrolls~~ duty.